

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
ANDERSON/GREENWOOD DIVISION

KEITH HAMMONDS, )  
                        )  
Plaintiff,           )  
                        )  
vs.                   )         Case No. 8:14-cv-04594-TLW  
                        )  
JENNIFER BESENT, Evans )  
Correctional Officer, )  
                        )  
Defendant.           )  
                        )

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**ORDER**

Plaintiff Keith Hammonds, proceeding pro se and in forma pauperis, filed this civil action pursuant to 42 U.S.C. § 1983 against Defendant Jennifer Bessent, alleging that he was wrongfully and unlawfully accused of assault. (Doc. #1). This matter is now before the Court for review of the Report and Recommendation (“the Report”) filed by United States Magistrate Judge Jacquelyn D. Austin, to whom this case was assigned pursuant to 28 U.S.C. § 636(b) and Local Civil Rule 73.02(B)(2), (D.S.C.). In the Report, the Magistrate Judge recommends that this Court dismiss the Complaint without prejudice and without issuance and service of process. (Doc. #9). Plaintiff filed a timely objection to the Report on January 26, 2015 (Doc. #13), and this matter is now ripe for disposition.

In conducting its review of the Report, the Court applies the following standard:

The magistrate judge makes only a recommendation to the Court, to which any party may file written objections . . . . The Court is not bound by the recommendation of the magistrate judge but, instead, retains responsibility for the final determination. The Court is required to make a de novo determination of those portions of the report or specified findings or recommendation as to which an objection is made. However, the Court is not required to review, under a de novo or any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the report and recommendation to which no

objections are addressed. While the level of scrutiny entailed by the Court's review of the Report thus depends on whether or not objections have been filed, in either case, the Court is free, after review, to accept, reject, or modify any of the magistrate judge's findings or recommendations.

Wallace v. Housing Auth. of the City of Columbia, 791 F. Supp. 137, 138 (D.S.C. 1992) (citations omitted).

The Court has carefully reviewed the Report and Plaintiff's objection thereto in accordance with this standard, and it concludes that the Magistrate Judge accurately summarizes the case and the applicable law. It is therefore **ORDERED** that the Magistrate Judge's Report and Recommendation is **ACCEPTED** (Doc. #9), and Plaintiff's objection thereto is **OVERRULED** (Doc. #13). For the reasons articulated by the Magistrate Judge, this action is **DISMISSED** without prejudice and without issuance and service of process.

**IT IS SO ORDERED.**

s/ Terry L. Wooten

Terry L. Wooten  
Chief United States District Judge

February 2, 2015  
Columbia, South Carolina